

REMARKS

Claims 1-5, 7, 15-18, and 26-30 are in the application.

Election/Restriction

Applicants acknowledge that the previously non-elected subject matter has been rejoined in the present claims and the claims have been rejected over the cited reference.

Rejection under 35 U.S.C. § 103

Claims 1-5, 7, 15-18, and 26-28 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Baker et al., U.S. Patent No. 5,545,350. Applicants respectfully traverse this rejection. Baker et al. teach solid particulate fabric softening compositions comprising from about 50% to about 95% of biodegradable diester quaternary ammonium fabric softening compound and from about 3% to about 30% of select viscosity and/or dispersibility modifiers. Baker et al. also teach concentrated liquid compositions comprising from about 15% to about 50% of biodegradable diester quaternary ammonium fabric softening compound, from about 0.1% to about 30% of select viscosity and/or dispersibility modifiers, and liquid carrier.

Baker et al. do not teach or suggest a clear fabric softening composition comprising from about 2% to about 80% of fabric softener, from about 1% to about 40% of principal solvent having a ClogP of from about -2.0 to about 2.6, from about 0.5% to about 10% of electrolyte, from about 0.1% to about 15% of phase stabilizer, and water, as presently claimed. Indeed, the compositions of Baker et al. are either solid particulate compositions or concentrated liquid compositions that are dispersions. This is evident based on the disclosure of Baker et al., e.g., at col. 16, lines 44-49; col. 21, lines 30-33; col. 23, lines 18-19; col. 35, lines 1-2 and lines 29-67. For example, Baker et al. teach that its liquid compositions made from solid compositions are made from emulsified/dispersed particles and have a particle size of from 0.2 to 2 microns. See col. 22, lines 39-40. This composition will thus not be a clear fabric softening composition as presently claimed.

Furthermore, none of the examples of Baker et al. comprise an electrolyte and principal solvent as presently claimed. As such, Baker et al. do not exemplify or suggest a clear fabric softening composition comprising from about 2% to about 80% of fabric softener, from about 1% to about 40% of principal solvent having a ClogP of from about -2.0 to about 2.6, from about 0.5% to about 10% of electrolyte, from about 0.1% to about 15% of phase stabilizer, and water, as presently claimed. Indeed, only one example of Baker et al. comprises a high level of electrolyte, e.g. 3%, see Example IX Composition 1, and this example does not further comprise a principal solvent as presently claimed.

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Baker et al. thus disclose compositions that are either solid or concentrated liquid dispersions, in contrast to clear or translucent compositions as presently claimed. Baker et al. therefore do not teach or suggest a clear or translucent fabric softening composition comprising from about 2% to about 80% of fabric softener, from about 1% to about 40% of principal solvent having a ClogP of from about -2.0 to about 2.6, from about 0.5% to about 10% of electrolyte, from about 0.1% to about 15% of phase stabilizer, and water, as presently claimed. As a result, Applicants submit that Claims 1-5, 7, 15-18, and 26-28 are unobvious and patentable over Baker et al. under 35 U.S.C. § 103(a).

Allowable Subject Matter

Applicants acknowledge the allowability of Claims 29 and 30 if they were rewritten in independent form. Based on the arguments presented above, Applicants submit that all claims are allowable over the cited reference.

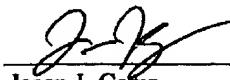
CONCLUSION

In view of the foregoing remarks, reconsideration of the application and allowance of all claims are respectfully requested.

Respectfully submitted,

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